

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re: Vanessa M Kirby and Eugene C Kirby,  
Jr.

Debtors

THE BANK OF NEW YORK MELLON  
f/k/a THE BANK OF NEW YORK as  
Indenture Trustee for Newcastle Mortgage  
Securities Trust 2007-1,

Movant,

v.

Vanessa M Kirby and Eugene C Kirby, Jr.,  
Respondent/Debtors,

and

Kenneth E. West, Office of the Chapter 13  
Standing Trustee, Trustee,  
Additional Respondent.

CHAPTER 13

BANKRUPTCY CASE NUMBER  
23-13325-mdc

**OBJECTION OF THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS INDENTURE TRUSTEE FOR NEWCASTLE MORTGAGE SECURITIES TRUST 2007-1 TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN OF REORGANIZATION**

THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as  
Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1, by and through its counsel,  
LOGS Legal Group LLP, hereby objects to the confirmation of Debtor's Chapter 13 Plan, and in  
support thereof, avers as follows:

1. On or about November 2, 2023, Debtors filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. Movant holds an allowed claim, secured only by Debtor's principal residence located at 111 East Berkley Avenue, Clifton Heights, PA 19018.
3. Movant is in the process of filing its Proof of Claim citing arrears in the amount of \$12,716.62.
4. Debtor's proposed plan calls for the payment to Movant of arrearages in the amount of \$12,018.00 to be paid to the Trustee through the Plan.
5. The Plan is insufficiently funded to pay Movant its proposed arrearage claim or proposed total debt claim in full.

6. The Plan fails to comply with 11 U.S.C. § 1322.
7. The Plan fails to comply with 11 U.S.C. § 1325.
8. The Court must deny confirmation of Debtor's Chapter 13 Plan.

WHEREFORE, THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1 respectfully requests that confirmation of the Debtor's Plan be denied, that Debtor's bankruptcy petition be dismissed with prejudice; and for such other relief as this Court deems appropriate.

Respectfully submitted,

Dated: December 20, 2023

LLG File #:23-069774

By: /s/ Christopher A. DeNardo  
Christopher A. DeNardo, Esquire  
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**CERTIFICATE OF SERVICE**

I, Christopher A. DeNardo, an employee of the law firm of LOGS Legal Group LLP hereby certify that I caused to be served true and correct copies of THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1's Objection to the Confirmation of Debtor's Chapter 13 Plan by First Class Mail, postage prepaid or by electronic notification, at the respective last known address or email address of each person set forth below on December 20, 2023:

Jeanne Marie Cella, Esquire  
Jeanne Marie Cella and Associates LLC  
221 N. Olive Street  
Media, PA 19063  
Sent via electronic notification [paralegal@lawbsc.com](mailto:paralegal@lawbsc.com)

Kenneth E. West, Chapter 13 Standing Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107  
Sent via electronic notification [ecfemails@ph13trustee.com](mailto:ecfemails@ph13trustee.com)

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.

*/s/ Christopher A. DeNardo*

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Christopher A. DeNardo  
LOGS Legal Group LLP  
985 Old Eagle School Road, Suite 514  
Wayne, PA 19087  
(610) 278-6800

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